

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED
FEB 05 2014
Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEL WESLEY SPEISER,

Defendant.

CR 07-116-BLG-DWM-CSO

ORDER

On January 16, 2014, United States Magistrate Judge Carolyn S. Ostby entered Findings and her Recommendations regarding the January 14, 2014 Amended Petition to Revoke Defendant Joel Wesley Speiser's term of supervised release. (Docs. 46 and 40.) A Final Hearing on revocation of the Defendant's term of supervised release was held January 16, 2014. (Doc. 42.) The parties were notified of their right, within fourteen days, to file objections to the Findings and Recommendations. (Doc. 46 at 8.) Neither party timely filed an objection. Failure to object waives a party's right to review. Fed. R. Crim. P. 59(b)(2). Consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the

Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

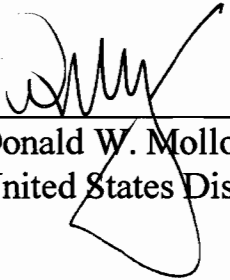
Based on Brown’s admission to the violations set forth in the Petition, Judge Ostby recommends his supervised release be revoked. (Doc. 46 at 7.) Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendations, (Doc. 46-1), and sentence Brown to six (6) months imprisonment with 30 months of supervised release to follow. (Doc. 46 at 7.) Judge Ostby’s Findings and Recommendations are without clear error and hereby adopted in full.

The special condition concerning alcohol consumption presented in the proposed judgment is amended in the judgment entered pursuant to this Order. The Court finds that the Defendant’s history of alcohol abuse, as exemplified by the violations presented in the petition now before the Court, justifies a strict prohibition on not only the consumption of alcohol but also the Defendant’s presence in commercial establishments and private dwellings where alcohol is sold or consumed.

IT IS ORDERED that Judge Ostby’s Findings and Recommendations on the Petition to Revoke (Doc. 46) are ADOPTED IN FULL. Joel Wesley Speiser’s term of supervised release is revoked. Judgment will be entered by separate

document.

DATED this 30 day of February, 2014.



Donald W. Molloy, District Judge
United States District Court